

ASSEMBLY BILL

No. 438

Introduced by Assembly Member Chiu

February 23, 2015

An act to amend Section 7292 of the Government Code, and to amend Section 124 of the Labor Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 438, as introduced, Chiu. State government: workers' compensation: bilingual services.

Existing law, the Dymally-Alatorre Bilingual Services Act, requires every state agency, as defined, to provide information regarding public services in a non-English language if a substantial number of the public contacted by the agency are non-English speaking. Existing law requires a state agency to employ a sufficient number of bilingual persons for those purposes. Existing law exempts the State Compensation Insurance Fund from those provisions.

Existing law establishes a workers' compensation system to compensate an employee for injuries sustained in the course of his or her employment. Existing law establishes, in the Department of Industrial Relations, a Division of Workers' Compensation to administer those provisions. In administering and enforcing those provisions, existing law requires the division to protect the interests of injured workers and requires all forms and notices to be given to employees by the division to be in English and Spanish.

This bill would make the provisions of the Dymally-Alatorre Bilingual Services Act applicable to the State Compensation Insurance Fund, and to the Department of Industrial Relations and Division of Workers' Compensation when providing those forms and notices. The bill would

provide that the failure of the department or division to comply with the Dymally-Alatorre Bilingual Services Act tolls any statutory or regulatory time period for one year with regard to an applicant's compliance with a notice or deadline under the workers' compensation system.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7292 of the Government Code is amended
2 to read:

3 7292. (a) Every state agency, as defined in Section 11000,
4 ~~except the State Compensation Insurance Fund,~~ directly involved
5 in the furnishing of information or the rendering of services to the
6 public whereby contact is made with a substantial number of
7 non-English-speaking people, shall employ a sufficient number
8 of qualified bilingual persons in public contact positions to ensure
9 provision of information and services to the public, in the language
10 of the non-English-speaking person.

11 (b) For the purposes of this chapter, the furnishing of
12 information or rendering of services includes, but is not limited
13 to, providing public safety, protection, or prevention, administering
14 state benefits, implementing public programs, managing public
15 resources or facilities, holding public hearings, and engaging in
16 any other state program or activity that involves public contact.

17 SEC. 2. Section 124 of the Labor Code is amended to read:

18 124. (a) In administering and enforcing this division and
19 Division 4 (commencing with Section 3200), the *department and*
20 *the division* shall protect the interests of injured workers who are
21 entitled to the timely provision of compensation.

22 (b) Forms and notices required to be given to employees by the
23 *department or the division* shall be in English and ~~Spanish~~ *comply*
24 *with the Dymally-Alatorre Bilingual Services Act (Chapter 17.5*
25 *(commencing with Section 7290) of Division 7 of Title 1 of the*
26 *Government Code).*

27 (c) *Failure by the department or the division to comply with*
28 *subdivision (b) shall toll any statutory or regulatory time period*
29 *for one year after the applicant discovers, or through the use of*

- 1 *reasonable diligence should have discovered, the need to comply*
- 2 *with a notice or deadline.*

O